

**FEDERAL COMMUNITY DEFENDER OFFICE
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
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LISA EVANS LEWIS
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June 5, 2023

By ECF
Honorable Gary R. Brown
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *United States v. Alexi Saenz*
Criminal Docket No. 2:16-cr-403-GRB-SIL

Your Honor:

We write on behalf of Alexi Saenz. On May 4, 2023, this Court directed counsel for Alexi Saenz to identify for the Court what categories of defense motions we believed could be appropriately litigated in advance of the Department of Justice's decision on Mr. Saenz's pending request for deauthorization.

The categories of motions that we believe can be litigated in advance of the deauthorization decision are as follows:

- (1) motion for severance;¹
- (2) motions involving facial challenges to indictment;
- (3) motion for early disclosure of 18 U.S.C.A. § 3500 materials²;
- (4) motion for bill of particulars;

¹ The motion to sever will likely involve reference to information that counsel will seek to file under seal. Undersigned counsel's belief that the defense can proceed on a motion to sever is predicated on the defense being permitted to file those motions under seal.

² During the last status conference, the government suggested that motions regarding co-conspirator statements could be litigated while deauthorization is pending. Any such litigation, however, would require production of all co-conspirator statements and production of material pursuant to § 3500.

- (5) motion to strike Mr. Saenz's alias from the indictment and preclude references to it from the trial; and
- (6) motion for informative outlines of aggravating factors.

We believe that the categories of motions outlined either implicate penalty phase issues less prominently than other categories of motions or directly involve penalty phase issues but are not dispositive of death-eligibility and can be addressed at the present stage of litigation.

Additionally, the Government has indicated that it wishes to file pretrial motions on September 15, 2023. Undersigned counsel Abreu is scheduled to be on trial in July. Undersigned counsel Williams has an evidentiary hearing in another capital case that is scheduled to proceed on August 21, 2023 and is expected to span approximately two weeks. Both of these proceedings will require a significant amount of preparation. With this in mind, undersigned counsel respectfully request that defense motions be set for Monday, October 2, 2023. Thank you for your consideration.

Respectfully submitted,

/s/ Peter Williams

Natali Todd

Victor J. Abreu

Peter Williams

Counsel for Alexi Saenz

cc: All Counsel of Record by ECF